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SUBJECT: RWANDA PETITIONS THE INTERNATIONAL COURT OF JUSTICE

¶1. (U) Rwanda on April 18 petitioned the International Court of Justice (ICJ) regarding the November 2006 issuance of arrest warrants by French judge Jean-Louis Bruguiere against nine senior Rwandan officials. These officials, according to an investigation conducted by Bruguiere, were allegedly involved in the April 6, 1994 shooting down of a presidential jet piloted by a French crew (this incident touching off the three-month-long genocide). When issuing the arrest warrants, Bruguiere also recommended to the International Criminal Tribunal for Rwanda (ICTR) that President Paul Kagame be prosecuted for his alleged role in the downing of the presidential jet. Rwanda responded to the issuance of these arrest warrants by breaking diplomatic relations with France. In its filing at the ICJ, Rwanda asked that the ICJ nullify the arrest warrants as a violation of Rwanda's sovereignty and of various international immunities.

¶2. (U) In publicly acknowledging receipt of the court application, the ICJ noted that it had been filed under rules of the court which require consent to jurisdiction by the defending state. The ICJ stated in its April 18 press release that it had transmitted the court filing to the government of France, but that "no action will be taken in the proceedings unless and until France consents to the Court's jurisdiction in the case."

¶3. (U) Separately, in mid-April two of the nine Rwanda officials subject to the French arrest warrants, Chief of Army Staff Lieutenant General Charles Kayunga and Brigadier General Jack Nziza, filed suit in a Belgian court seeking to quash application of the arrest warrants in Belgium. This case had several preliminary hearings in the last two weeks, with May 24 set for further proceedings.

¶4. (SBU) Justice Minister Tharcisse Karugarama, upon his return from The Hague this week, told the embassy that the GOR would argue before the ICJ that the international legal order had been put "in jeopardy" by the French arrest warrants. Normal "immunities" for traveling officials would be breached, and the ability of senior officials to conduct public business severely constrained. Karugarama added that, as French officials had on several occasions claimed that the arrest warrants were a purely judicial matter, beyond the competence or authority of France's executive branch, then any refusal to accept ICJ jurisdiction would be "embarrassing." If the matter was purely judicial, he said, "then why not let the ICJ decide?"

¶5. (SBU) On the subject of the lawsuit filed by the two Rwandan generals, Tharcisse repeated earlier published statements by the GOR that the suit was "an entirely private

matter." But he conceded that the GOR would follow the matter "with great interest," and said that a similar "private" lawsuit was being readied for filing in France. Additional plaintiffs, from among the nine senior Rwandans subject to the Bruguiere arrest warrants, would likely join this and other potential legal filings, he said. The generals sought a declaratory judgment nullifying the warrants, he added, and had named the governments of Belgium and France, as well as Jean-Louis Bruguiere, in the lawsuit.

¶6. (SBU) Although noting, as he and other officials have on many past occasions, that Rwanda considered the French government to have been "against" the GOR for "many years," Karugarama said that "the door was always open" for political and diplomatic "efforts." As, he said, the ICJ filing appeared to require no specific deadline for a response by the French government, the GOR anticipated no quick reply. "The French elections are in the way," he said, and Rwanda would wait for the new French government to organize itself. "We hope for a change in Africa policy," he said, "while expecting no great change."

¶7. (SBU) Comment. Karugarama and the GOR are aware that several EU member states consider the French arrest warrants as automatically binding upon them, given internal EU consular and legal arrangements. While the two generals' suit may be formally a private matter, we assume close coordination between the nine Rwandan officials sought by Bruguiere and the Rwandan government in the two legal filings. We leave legal analysis of the two cases to experts in the field, but note that the GOR asserted itself on the eve of French elections -- perhaps hoping to influence the incoming regime. End comment.
ARIETTI